## **FILED**

February 20, 2025

CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS

## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

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BY:	NM
	DEDUTY

JOHN P. JOHNSON,

Plaintiff.

v.

CIVIL NO. SA-24-CV-00863-OLG

MANUEL H. NEWBURGER et al.,

Defendants.

## ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has considered United States Magistrate Judge Elizabeth S. Chestney's Report and Recommendation (R&R), filed January 21, 2025, concerning the dismissal of Plaintiff's Petition, Claim and Complaint in the Nature of a Suit for Damages to Property and Business Interests Under 18 U.S.C. § 1964(a), for Racketeer Influenced Corrupt Activity (Dkt. No. 1) for want of prosecution. (See R&R, Dkt. No. 8).

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen (14) days after being served with a copy of the findings and recommendations. FED. R. CIV. P. 72(b)(2). A copy of the R&R was mailed to Plaintiff via certified mail when it was entered on January 22, 2025. (See Dkt. No. 9). The R&R was returned by the post office marked "Return to Sender," "Unclaimed," and "Unable to Forward" on February 14, 2025. (See Dkt. No. 11). To date, Plaintiff has not filed a change of address notice, and no objections have been filed.

Because no party has objected to the Magistrate Judge's findings or recommendations, the Court reviews the R&R for clear error. See United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.

<sup>&</sup>lt;sup>1</sup> See Payne v. CPS Energy, No. SA-23-CA-1254-FB, 2024 WL 646393, at \*1 n.1 (W.D. Tex. Feb. 15, 2024) ("If service upon a party is made by mailing a copy to the party's last known address, 'service is complete upon mailing." (quoting FED. R. CIV. P. 5(b)(2)(C))).

1989); cf. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which an objection is made."). After such review, the Court finds that the R&R is neither clearly erroneous nor contrary to law.

The Court therefore **ADOPTS** the Magistrate Judge's R&R (Dkt. No. 8) as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1) and **DISMISSES** this case for want of prosecution and for failure to comply with a court order. *See* FED. R. CIV. P. 41(b).

This case is **CLOSED**.

It is so **ORDERED**.

SIGNED this day of February, 2025.

ORLANDO L. GARCIA United States District Judge